

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**TESSA A. R. HESS,**

**Plaintiff,**

**v.**

**Civil Action 2:10-cv-0582**

**Judge Edmund A. Sargus**

**Magistrate Judge E.A. Preston Deavers**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

**ORDER**


This matter is before the Court for consideration of the July 29, 2011 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 14). The Magistrate Judge recommended that the Court overrule Plaintiff's Statement of Errors and Affirm the Commissioner of Social Security's finding of nondisability.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 18, ECF No. 14.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of the Magistrate Judge. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation, **OVERRULES** Plaintiff's Statement of Errors, and **AFFIRMS** the Commissioner's finding of nondisability. The Clerk is **DIRECTED** to enter judgment in favor of Defendant and to terminate this case.

**IT IS SO ORDERED.**

8-24-2011  
**DATE**

  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**